

CITY OF SEGUIN

RESOLUTION NO. _____

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS, IN CONNECTION WITH THE SPRINGS HILL CCN TRANSFER PROJECT; AUTHORIZING ALL APPROPRIATE ACTION BY THE CITY MANAGER, STAFF, ATTORNEYS, AND CONSULTANTS, IN THE NEGOTIATION, PURCHASE, AND POSSIBLE INSTITUTION AND PROSECUTION OF PROCEEDINGS IN EMINENT DOMAIN TO ACQUIRE UTILITY EASEMENTS OR RIGHTS OF ENTRY FROM LANDS HELD BY VARIOUS OWNERS OF LAND WHERE WATER SUPPLY LINES ARE REQUIRED ALL WITHIN THE CITY OF SEGUIN OR ITS EXTRATERRITORIAL JURISDICTION, GUADALUPE COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENTS FOR SEVENTY IDENTIFIED PROJECT PROPERTIES IN AN AMOUNT NOT TO EXCEED \$10,000,000.00; DECLARING EACH SECTION OF THE RESOLUTION TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION IS DETERMINED TO BE INVALID; AND DECLARING AN EFFECTIVE DATE

RECITALS:

WHEREAS, based upon the recommendation of its staff, and after public hearing this Council finds that public use and necessity require acquisition of the hereinafter described land rights needed for the Springs Hill Certificate of Convenience and Necessity Transfer Project (the Project”); and

WHEREAS, to complete the transfer of parts of the Springs Hill Water CCN, the City must install water lines and other underground water utilities to serve the transferred territory requiring the City to obtain rights of entry for survey, appraisal, and design as well as utility easements in property owned and claimed by seventy owners whose property abuts the needed waterline facilities. The involved parcels are identified and more particularly described on the spreadsheet attached as Exhibit “A” and incorporated herein by reference (“the Properties”), with locations mapped on the attached Exhibits “B”, “C”, and “D”; and

WHEREAS, City Staff and its consultants will negotiate with each land owner in good faith based on appraisals obtained from an independent fee appraiser for each purpose, in an attempt to purchase easements for the fair cash market value of the involved property. Should negotiations fail City Staff will begin the proceedings necessary to take the Property by eminent domain. City staff shall also work with the landowners to obtain a right of entry for initial survey and appraisal; however, in the event that an owner fails to allow such entry, city staff will seek injunctive relief from the court.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Seguin Texas:

SECTION 1. Public use and necessity require the City to acquire utility easements on the various tracts of land lying along the pipeline projects, all within Seguin or its extraterritorial jurisdiction, Guadalupe County, Texas, as more fully described in Exhibits “A through D” attached hereto and incorporated herein by reference for the purpose of easements for city utilities. It is a public necessity that the City acquire said property either through purchase or by the process of

eminent domain and that the City take all other lawful action necessary and incidental to such purchase or eminent domain proceedings.

SECTION 2. The owners and claimants of the property described herein are set out in the attached Exhibit "A" and any other persons owning or claiming an interest shall be noticed as required by Texas Law.

SECTION 3. The City Council directs and authorizes the City Manager, staff, agents, and retained attorneys to institute and prosecute to conclusion all necessary proceedings to condemn permanent and temporary easements to the property and to take any other legal action necessary and incidental to such acquisition and eminent domain proceedings to survey, both lineal and archaeological, and to appraise, define, specify, and secure such property interests.

SECTION 4. Due to the need to complete this Project in a rather short time frame for the provision of water service at the time of CCN transfer the City Council hereby authorizes the city manager to execute easements and other necessary documents including the expenditure of funds in an amount not to exceed \$10,000,000.00.

SECTION 5. All acts or proceedings done or initiated by the employees, agents, and attorneys for the City for the acquisition of said property are hereby authorized, ratified, confirmed, and validated and declared to be valid in all respects as of the respective dates thereof with and in regard to the owner from whom such rights have been or are being acquired.

SECTION 6. If any provisions, sections, subsections, sentences, clauses, or phrase of this resolution, or the application of same to any set of circumstances or person is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this resolution shall not be affected thereby, it being the intent of the City Council that no portion hereof shall become inoperative by reason of any unconstitutionality or invalidity of any other portions hereof, and all provisions of this resolution are declared to be severable for that purpose.

SECTION 7. This resolution shall be in full force and effect immediately upon its passage.

PASSED AND APPROVED this the 6th day of June 2023.

DONNA DODGEN, Mayor

ATTEST:

Naomi Manski, City Secretary